

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

THE DAILY WIRE, LLC;

FDRLST MEDIA, LLC; and

**THE STATE OF TEXAS, by and through its
Attorney General, Ken Paxton,**

Plaintiffs,

v.

DEPARTMENT OF STATE, *et al.*,

Defendants.

Civil Action No.: 6:23-cv-00609

**MOTION FOR LEAVE TO
EXCEED PAGE LIMIT**

**CONSENT MOTION BY PLAINTIFF FOR LEAVE TO EXCEED THE PAGE LIMIT
FOR THEIR MEMORANDUM IN SUPPORT OF
MOTION FOR PRELIMINARY INJUNCTION**

Plaintiffs, The Daily Wire, LLC and FDRLST Media, LLC, by and through their attorneys, and the State of Texas, by and through Attorney General Ken Paxton, pursuant to Local Rule CV-7(a)(2) of the U.S. District Court for the Eastern District of Texas, respectfully request this Court grant leave to file a Memorandum in Support of their Motion for Preliminary Injunction that exceeds the 15-page limit for non-dispositive motions, as set forth in the Local Rules. In support, of this motion, Plaintiffs state as follows:

As detailed in the Plaintiffs' five-count Complaint, Defendant, the U.S. Department of State, through its Global Engagement Center, has been actively—but covertly—intervening in the domestic news-media market to suppress disfavored speech and to render a segment of the American press unprofitable, including the Media Plaintiffs, The Daily Wire and The Federalist. Defendants have misappropriated and misused government resources, technology, funding, employees, and contractors under the guise of countering supposed “misinformation,” including

by researching, assessing, funding, testing, marketing, promoting, hosting on a State Department platform, and/or otherwise assisting with or encouraging the development and/or use of tools and technologies that targets in whole, or in part, Americans' speech and the American press. Defendants' censorship scheme is *ultra vires* and abridges Media Plaintiffs' First Amendment rights to freedom of speech and freedom of the press.

To vindicate the Media Plaintiffs' First Amendment rights, as well as the sovereign interests of the State of Texas, Plaintiffs seek a preliminary injunction from this Court to enjoin this *ultra vires* and unconstitutional conduct. This action and the Plaintiffs' Motion for Preliminary Injunction raise numerous complex issues of national significance. The complexity and importance of this case warrants a lengthier memorandum to provide the Court with a comprehensive account of the factual and legal issues pertinent to the requested preliminary injunction. Accordingly, Plaintiffs respectfully request leave to file a memorandum in support of their motion for preliminary injunction of 37 pages, excluding the tables of contents and authorities, and certificates.

Plaintiffs have conferred with Defense Counsel about the requested relief and Defense Counsel consented to the requested relief.

WHEREFORE, Plaintiffs respectfully request that the Court grant them leave to exceed the 15-page limit.

DATED: February 6, 2024

Respectfully submitted,

/s/ Margaret A. Little

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CERTIFICATE OF SERVICE

I hereby certify that, on February 6, 2024, I caused a true and correct copy of the foregoing to be filed by the Court's electronic filing system, to be served by operation of the Court's electronic filing system on counsel for all parties who have entered in the case.

/s/ Margot J. Cleveland

CERTIFICATE OF CONFERENCE

I hereby certify that, on February 5, 2024, I, along with my NCLA colleagues' Peggy Little and Casey Norman, as well as counsel for the State of Texas, Susanna Dokupil, conferred with counsel for Defendants, Cristen Handley and Kody Knapp, via a Microsoft Teams conference call, as required by Local Rule CV-7(h). Defense Counsel concurred in Plaintiffs' request for leave to file an oversized brief in support of its Motion for Preliminary Injunction.

/s/ Margot J. Cleveland